

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #6	CCRB Case #: 201900868	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/24/2018 7:25 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 6/24/2020	EO SOL 2/8/2021	
Date/Time CV Reported Mon, 01/28/2019 11:47 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/29/2019 11:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM David Ramirez	25053	962711	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rafael Santos	04863	964754	048 PCT
2. POM Michael Arini	08535	963379	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM David Ramirez	Discourtesy: Police Officer David Ramirez acted discourteously toward § 87(2)(b)	§ 87(2)(b)

## Case Summary

On January 28, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On December 24, 2018, § 87(2)(b) drove on § 87(2)(b) in the vicinity of Bronx Park Avenue, in the Bronx, with his girlfriend, § 87(2)(b). § 87(2)(b) noticed that a police vehicle, occupied by PO David Ramirez and PO Rafael Santos, of the 48<sup>th</sup> Precinct, followed behind him. § 87(2)(b) attempted to park his vehicle on Wyatt Street, but PO Ramirez told him over the loud speaker that he could not park there. PO Ramirez stopped the police vehicle next to § 87(2)(b)'s vehicle and told him, "I have a Christmas gift for you." § 87(2)(b) asked, "What?" PO Ramirez responded, "I have a hug a heart and a kiss for you," (**Allegation A: Discourtesy, § 87(2)(g)**). As the officers drove away, PO Ramirez stated over the loud speaker, "The NYPD loves you," (**subsumed under Allegation A**). § 87(2)(b) was not arrested or issued a summons.

§ 87(2)(b) provided a video of this incident taken by § 87(2)(b) on her cell phone (Board Review 01 and 02).

§ 87(2)(b)

## Findings and Recommendations

### Allegation (A) Discourtesy: Police Officer David Ramirez acted discourteously toward

§ 87(2)(b)

It is undisputed that PO Ramirez stated, "The NYPD loves you," to § 87(2)(b).

Immediately at the start of the video taken by § 87(2)(b), PO Ramirez can be heard saying, "A hug a heart and a kiss." At 00:50 in the video, PO Ramirez can be heard saying, "The NYPD loves you," over the loud speaker.

§ 87(2)(b) (Board Review 03) stated that PO Ramirez said, "I have a Christmas gift for you." § 87(2)(b) asked, "What?" PO Ramirez respond, "I have a hug and a kiss for you." § 87(2)(b) became irritated and told PO Ramirez, "Catch a nut in your mouth." PO Ramirez and PO Santos made some additional comments to § 87(2)(b) but he was unable to remember exactly what the comments were at the time of his interview. § 87(2)(b) believed the officers said things such as, "Oh really," and "That's what you got for us." § 87(2)(b) told the officers to "suck a dick." § 87(2)(b) did not remember if the officers said anything else before driving away.

§ 87(2)(b) recognized PO Ramirez and PO Santos from an incident § 87(2)(b)

§ 87(2)(b) felt that PO Ramirez and PO Santos have been harassing him § 87(2)(b)

§ 87(2)(b) was not interviewed because she was unable to come to the CCRB with § 87(2)(b) and her statement was determined to be unnecessary given that the allegation was caught on the video recording of the incident and PO Ramirez admitted to making some of the statements during his interview.

PO Ramirez (Board Review 04) did not remember if he told § 87(2)(b) that he had a “hug a heart and a kiss” for him. When presented with the video taken by § 87(2)(b) PO Ramirez stated that he did not recognize the voice at the beginning of the video, nor could he understand what the voice said. PO Ramirez acknowledged that he told § 87(2)(b) “The NYPD loves you,” over the loud speaker. PO Ramirez made this statement because, “It’s Christmas, Christmas spirit. NYPD loves you. We love everybody. We’re here to protect you.” PO Ramirez was the only officer to make any statements to § 87(2)(b) and was the only officer to speak over the loud speaker.

PO Santos (Board Review 05) did not remember if PO Ramirez stated that he had a “hug and a kiss” for § 87(2)(b) PO Santos did not remember if PO Ramirez stated, “The NYPD loves you,” over the loud speaker. Upon viewing the video taken by § 87(2)(b) PO Santos identified PO Ramirez’s voice as the one stating “The NYPD loves you,” over the loud speaker.

Officers are to interact with member of the public in a professional manner, Patrol Guide Procedure 203-09, “Public Contact – General” (Board Review 06). Officers are to “maintain a higher standard of integrity than is generally expected of others because so much is expected of” them, and to “value human life, respect the dignity of each individual and render [their] services with courtesy and civility.” Patrol Guide Procedure 200-02, “Mission and Values of the New York City Police Department” (Board Review 12).

While PO Ramirez denied stating that he had a “hug, a heart, and a kiss” for § 87(2)(b) the statement was captured on video. Given the context of the incident and the history of PO Ramirez’s and § 87(2)(b) s relationship, these statements were not made in the “Christmas spirit” or to serve a law enforcement objective, but to unnecessarily aggravate § 87(2)(b) While § 87(2)(b) s statements to the officers were certainly rude, § 87(2)(g) . Additionally, it is undisputed that PO Ramirez stated, “The NYPD loves you,” over the loud speaker. While this statement by itself is laudable, given the full context of the incident this statement was not designed to deescalate the situation or improve the relationship between § 87(2)(b) and PO Ramirez, but to further aggravate § 87(2)(b) § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b)  
§ 87(2)(b)
  - § 87(2)(b)  
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§ 87(2)(b)

§ 87(2)(b)

- [REDACTED]
- PO Ramirez has been a member of service for two years and has been a subject in 9 cases and 30 allegations (Board Review 10).
  - CCRB case number 201801146 involved a force allegation and was closed pending litigation.
  - § 87(2)(b)
  - CCRB case number 201900416 involved a vehicle search allegation, discourtesy allegation, offensive language allegation, a search of recording device allegation, and a photography allegation.
  - CCRB case number 201901103 involved allegations of threat of force, discourtesy, refusal to provide name, and refusal to provide shield number, all of which were unsubstantiated. § 87(2)(g), § 87(4-b)
  - § 87(2)(b)
  - CCRB case number 201902570 involved a vehicle stop allegation.
  - § 87(2)(b)
  - CCRB case number 201906210 involved two threat of arrest allegations, a threat to notify ACS allegation, two discourtesy allegations, and one threat to remove to hospital allegation.

### **Mediation, Civil and Criminal Histories**

- This case was not eligible for mediation.
- § 87(2)(b)

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date